

Appl. No. 10/635,410
Atty. Docket: 2003B077
Amdt. dated June 05, 2006
Reply to Office Action of May 5, 2006

REMARKS/ARGUMENTS

Reconsideration of this application is requested. The claims presented for reconsideration are claims 1-91. No new matter has been added.

The Provisional Double Patenting Rejection Should Be Withdrawn

Claims 1-91 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-100 of co-pending U.S. Patent Application No. 10/903,669 ("the '669 application"). Applicants respectfully traverse this rejection and request reconsideration.

The '669 application and the instant application have the same inventive entity and assignee. The instant application was filed on August 6, 2003, whereas the '669 application was filed on July 30, 2004. According to the M.P.E.P., in such a situation, the non-statutory obviousness-type double patenting rejection should be withdrawn by the Examiner from the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer. *See* M.P.E.P. § 804(I)(B)(1). As the instant application is the earlier filed application, the Applicants respectfully request withdrawal of the provisional non-statutory obviousness double patenting rejection.

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CONCLUSIONS

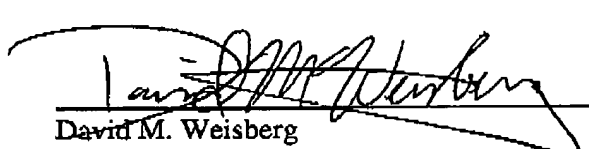
Having demonstrated that the rejections should be withdrawn, this application is in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding the application, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #:2003B077).

Respectfully submitted,

Date: 6/5/06


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